

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, JULY 17, 2007

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN

CHARLES OLIVER, MEMBER
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER
DEBORAH ZOLNOSKI, MEMBER

ABSENT: MICHAEL D. KOEHS, SECRETARY

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James R. Gelios, Deputy Clerk
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Member Thoel called the roll and Michael Koehs absent, all other members present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and item 9a was added without further changes being made.

MOTION by AUSILIO seconded by ZOLNOSKI to approve the agenda as amended and presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

3. The minutes of the previous meeting held on July 3, 2007 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by OLIVER seconded by AUSILIO to approve the minutes of the meeting of July 3, 2007 as presented.

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MOTION carried.

AGENDA ITEMS

4. **Rezoning Request / C-2 to C-1; 15250 24 Mile Road;** Located on the southeast corner of 24 Mile Road and Hayes Road; Section 18; Antoine Abi Raji - Petitioner. Permanent Parcel No. 08-18-100-026. *(Tabled from 7/3/2007)*

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval with the following conditions. Mr. Larry D'Loski, Township attorney, also reviewed this item.

Mr. Robert Davis, the petitioner, was also present to answer any questions which the Commission might have.

Public Portion: John Kraft expressed his concerns with the hours of operation and potential noise issues. Chairman Gallagher addressed his concerns.

MOTION By AUSILIO seconded by PENZIEN to approve the Rezoning Request / C-2 to C-1; 15250 24 Mile Road rezoning request as presented by the Planning Consultant with the following conditions:

1. **A 12' tall by 30' long wall be erected on east side to shield the drive through window from residential areas.**
2. **The gas station and car wash, as well as the underground gas tanks, to be removed within one year after approval by the Township Board of Trustees.**
3. **The decibel volume of the speaker system at the drive through window is no more than 50 decibels at the property line.**
4. **Trees within the greenbelt separating the project from residential property be at least 1' taller than the wall to further shield the business from residential areas.**

MOTION Carried

5. **Tentative Preliminary Plat; Twin Rivers Subdivision II and III;** Located on the north side of Hall Road 2,679 feet east of Romeo Plank Road; Section 33; Vincent DiLorenzo - Petitioner. Permanent Parcel No. 08-33-376-016.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation to deny this request for the following reasons:

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1. The plat as proposed is inconsistent with the previously approved tentative preliminary plat. Portions of the plat which were previously approved as either phase II or phase III are excluded from any phase. For example, the area west of the river is not indicated in the pending proposal. There must be a phase indicated on the plat for all areas that are to be included in the tentative preliminary plat.

2. The portion of this subdivision west of the Clinton River must be shown as a proposed phase IV or as a separate subdivision. It cannot be just omitted from any revision to the tentative preliminary plat for Twin Rivers. The area east of the middle branch of the Clinton River that is not included as lot area must be clearly identified as a common area and included as either phase II or phase III. Also, it is non-conforming with township ordinance.

Chairman GALLAGHER asked if petitioner was present-no representative present.

Public Portion:

Residents Thomas Dale, Marty Lucci, Dan Devine, Annette and Sam Caruso expressed their concerns regarding the poor condition of phase 1 as well as garbage being dumped, mud in the streets, tall weeds and a lack of an entrance road into the subdivision being completed. They also asked what recourse is available to get the developer to be more responsible regarding completing the first phase.

Chairman GALLAGHER and Township attorney Larry DLoski addressed their concerns.

MOTION BY AUSILIO seconded by THOEL to recommend the denial of the Tentative Preliminary Plat for the Twin Rivers Subdivision II and III for the aforementioned reasons as presented.

MOTION Carried.

6. **Site Plan; Sargent Center;** Located on the north side of Hall Road, west of Heydenreich Road; Section 33; John Skolas – Petitioner. Permanent Parcel No. 08-33-400-045.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval, with the addition of a cross access agreement be provided for southeast corner of the site.

Mr. Bob Lind, petitioner, was also present to answer any questions that the Commission might have.

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It is recommended that the site plan be approved with a cross access easement agreement for southeast corner of site, and the standard conditions of the Planning Commission including:

1. The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.
2. The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.
3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones (a cobblestone measuring 3-8" in diameter are allowed) or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11).

4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.

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8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. **The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.**
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. **The request for release must be in writing and accompanied by 2 copies of the "As Built Plans"**. The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.
10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meets with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The

petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.

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17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.
20. That all requirements of the Zoning Ordinance be met.
21. If the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office

before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

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In connection with splitting, combining or otherwise amending the site plan, that any master deeds prepared in connection with said site plan be amended. The amended master deed, including Exhibit B documents, must be submitted to the Township Clerk's Office for review in accordance with Township procedures. The recorded document must be received prior to issuance of building permits.

The same procedure would follow for a revision to the site plan.

25. That all lawn areas must be developed in accordance with the zoning ordinance section 10.2402-B-6 which refers to the landscaping design standards of the Township Land Division Ordinance; Sec. 17-162-(b)(11) as amended which provides that all areas must be sodded with pre-grown grass which include the areas of the property which also includes the road right-of-way.
26. A cross access agreement be provided for southeast corner of the site.

MOTION by AUSILIO seconded by PENZIEN to approve the Site Plan; Sargent Center as presented with the aforementioned conditions.

MOTION Carried.

7. **Temporary Ground Sign; CVS Pharmacy;** Section 17; Located on the northeast corner of 23 Mile Road and Romeo Plank; SignArt, Inc. – Petitioner. Permanent Parcel No. 08-17-476-005.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval for a period of one year.

It is recommended that the temporary ground sign be approved with the standard conditions of the Planning Commission, including:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the surface area of one side of the sign be limited to 32 square feet.
3. That a \$500 cash bond be posted assuring the installation of the sign as approved.
4. That the petitioner must be apprised of the fact that only one temporary sign will be allowed per project.
5. The temporary sign is approved for a period of one year at which time the petitioner may request an extension.

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It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the petitioner chooses, further considerations separate applications must be submitted.

Mr. Kevin Klack, representing the petitioner, was also present to answer any questions that the Commission might have.

MOTION by ZOLNOSKI seconded by AUSILIO to approve this Temporary Ground Sign; CVS Pharmacy item as presented for a period of one year.

MOTION Carried.

8. **Request for a Ground Sign;** CVS Pharmacy; Macomb Centre; Section 17; Located on the northeast corner of 23 Mile Road and Romeo Plank; Permanent Parcel No. 08-17-476-005.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

It is recommended that the ground signs be approved with the standard conditions of the Planning Commission, including:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the surface area of one side of each sign be limited to 64 square feet.
3. That a \$500 cash bond be posted assuring the installation of the signs as approved.

It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the petitioner chooses, further considerations separate applications must be submitted

Mr. Kevin Klack, representing the petitioner, was also present to answer any questions that the Commission might have.

MOTION by AUSILIO seconded by ZOLNOSKI to approve this Request for a Ground Sign as presented.

MOTION Carried.

9. **Request for a Ground Sign;** CVS Pharmacy # 75015; located at the south east corner of 23 Mile Road and North Avenue; Permanent Parcel No. 08-24-101-001.

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Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

It is recommended that the ground signs be approved with the standard conditions of the Planning Commission, including:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the surface area of one side of the sign be limited to 64 square feet.
3. That a \$500 cash bond be posted assuring the installation of the sign as approved.

It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the petitioner chooses, further considerations separate applications must be submitted.

Mr. Kevin Klack, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by AUSILIO seconded by PENZIEN to approve this Request for a Ground Sign as presented.

MOTION Carried.

- 9a. Technical Change for Legacy farms Subdivision;** Phase 1; Located on the West side of Fairchild Road, approximately ¼ mile North of 22 Mile Road; Section 24; Permanent Parcel 08-24-401-004, Classic Development LLC, Petitioner

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

The petitioner is requesting a technical change to provide for the deletion of plant materials on the northwest corner of Mustang Drive and 22 Mile Road. This proposal is authorized by the Township engineer due to a utility easement in that area. Also, the petitioner is requesting to revise the location of the permanent entry signs on Fairchild from 15' setback to 10'.

MOTION by AUSILIO seconded by PENZIEN to approve the Technical Change for Legacy farms Subdivision; Phase 1; Section 24; Permanent Parcel 08-24-401-004, with the following conditions:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following**

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agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations:

- a) **Macomb County Road Commission**
 - b) **Office of Public Works Commission of Macomb County**
 - c) **Macomb County Health Department**
 - d) **Macomb County Planning Commission**
 - e) **Michigan Department of Environmental Quality**
 - f) **All public utility companies affected**
 - g) **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying to the plat to any public street be installed by the petitioner.**
2. **The Township Engineer approves all engineering plans for the computed plat.**
 3. **That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
 4. **Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
 5. **That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
 6. **Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
 7. **That all public street drain crossings within the boundaries of the Final Preliminary Plat shall be provided with public sidewalks on both sides of the street and installed in accordance with 17-145(10) of the Macomb Township Code.**
 8. **That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreages, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**

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9. That the "landscape easement" that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
10. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
11. All street names must be cleared by the Township Supervisor for purposes of continuity as part of the application for the tentative preliminary plat. Any changes in street names must be authorized by Supervisor prior to the acceptance of an application for Final Plat. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.
12. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
13. That the restrictive covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The "Restrictive Covenants" must be approved by the Township Attorney before an application will be received for Final Plat.
14. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The "Articles of Incorporation" must be approved by the Township Attorney before an application will be received for Final Plat.
15. That the developer shall be responsible for having the Contract between Detroit Edison and Macomb Township executed and must establish the corresponding SAD for lamp charges. These items must be completed prior to the Developer applying for approval of the Final Plat.
16. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an

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application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This conditional approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

17. That the requirements of the Engineering Consultant regarding detention, pump stations and the improvements to future 22 Mile Road be assured.
18. That the ground signs shall be located as noted on the submitted plans.

It is also suggested that the Planning Commission move to receive and file all correspondence in connection with this item.

Mr. Kevin Fleck, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION Carried.

11. **Motion to Receive and File All Correspondence.**

MOTION by OLIVER seconded by ZOLNOSKI to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS

None

PLANNING COMMISSIONERS COMMENTS

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None

ADJOURNMENT

MOTION by OLIVER seconded by ZOLNOSKI to adjourn the meeting at 8:35 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary